

UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT

STEPHEN WHITAKER.

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Appellant,

*

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V.

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CENTRAL INTELLIGENCE
AGENCY, *et al.*,

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Appellees.

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**APPELLANT'S CONSENT *NUNC PRO TUNC* MOTION FOR
ENLARGEMENT OF TIME WITHIN WHICH TO FILE HIS
OPENING BRIEF AND JOINT APPENDIX**

NOW COMES Appellant Stephen Whitaker (“Whitaker”) to respectfully and apologetically request a twenty-five-day extension—until 31 July 2015—of his deadline for filing his Opening Brief, which was due 6 July 2015. Appellees consent to this Motion.

Whitaker requests this extension due to excusable neglect. In the week leading up to the original deadline, the undersigned's computer was physically damaged and had to be taken into the local Micro Center to be diagnosed and repaired. While this computer was being repaired, the undersigned was forced to use another computer for work, which did not have the same calendar program as his primary computer. The calendar program on his primary computer was

supposed to regularly synchronize with a cloud-based Google Calendar account, so that all his recorded deadlines would be accessible from other computers, but for unknown reasons several of his calendar entries, including this one, were not synchronized with Google. He did not realize that the deadline had passed until he was reminded of it by Appellees' counsel the following week. Further complicating matters was the fact that, by the time he realized the oversight, his work schedule was—and is—full for the next several weeks, mostly with proceedings in two other D.C. Circuit cases and two whistleblower retaliation complaints still in the administrative stage. He therefore sincerely apologizes to the Court and Appellees for the delay and respectfully asks that Whitaker's deadline be extended until 31 July 2015, and that all subsequent deadlines be also moved accordingly.

Date: July 21, 2015

Respectfully submitted,

/s/ Kelly B. McClanahan
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